IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17085 of 2004

Between:

1 M.Sreenivasa Reddy S/o.Late M.Anji Reddy
(Operations)BSNL, Resident of B3, Telecom quarters I.S.Sadan,

Santoshnagar, Hyderabad.
2 V.Sreeramulu S/o.Sri V.Venkatappa
(Operations)BSNL Resident of 380, Bairagipatteda, Tirupati
3 V.Bheemakumar S/o. Sri V.Nagesarao
(Operations)BSNL, R/o.19-9-51-5-B Resident of Old Tiruchanur Road,

Tirupathi
4 D.Adi Kurma Rao S/o.Sri D.Ramaiah
Resident of B6, BSNL Quarters, Chuttugunta, Vijayawda.
5 B.Vijayalakshmi D/o.M.Venkataramana
(Operations), BSNL, R/o.1-46, N.Prashantinagar
K.T.Road, Tirupathi
6 B.Karunakar S/o.Sri B.Veerabrahmam Achary
(Operations) BSNL, Resident of 19-4-121-E-3 STV Nagar, Tirupathi.
7 M.V.Ramanaiah S/o.Sri M.Venkataiah
BSNL, Resident of 19-7-90 B Upstairs, Yellareddy Quarters R.C.Road,

Tirupathi.
8 V. Amudha W/o.Sri G.Venkateswarulu,
R/o. 12-616, Bugga Veedhi Extension, Renigunta, Chittoor District.

..... PETITIONERS

AND

1 Union of India rep. by its Secretary Ministry of Telecommunications
Door Sanchar Bhavan, New Delhi.
2 Bharat Sanchar Nigam Ltd., Sanchar Bhavan, New Delhi
rep. by its Chairman and Managing Director

3 Chief General Manager,BSNL Door Sanchar Bhavan, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus a) Declare the action of the respondents in not considering the candidature of the writ petitioners for promotion to the post of Junior Telecom Officer under the 15% quota of promotions against the posts diverted from the pool/quota of direct recruits as arbitrary, unjust and violative of the fundamental rights guaranteed to the writ petitioners under Articles 14 and 16 of Constitution of India. b) Consequently, direct the respondents to forthwith consider the candidature of the writ petitioners for promotion as Junior Telecom Officers (JTOs) against the vacancies which have been diverted from the direct recruit quota/pool; also declare that the writ petitioners are entitled for all consequential benefits such as promotion with effect from the corresponding date on which the candidates from the 35% pool have been so promoted, pay fixation, payment of arrears of salary and seniority etc.,

Counsel for the Petitioners:MR.NUTY RAM MOHAN RAO

Counsel for the Respondent Nos.1 to 3: MR.B.NARASIMHA SARMA

The Court at the admission stage made the following Order:

This writ petition is filed to declare the action of the respondents in not considering the candidature of the petitioners for promotion to the post of Junior Telecom Officer under the 15% quota of promotions against the posts diverted from the quota of direct recruits as illegal and arbitrary.

The petitioners were selected as Telephone Operators in different years, and thereafter, they were promoted as Telephone Supervisors. The grievance of the

petitioners is that though they were qualified to the post of Junior Telecom Officers, their cases were not considered. Hence the writ petition.

Learned counsel appearing for the petitioner contended that as per the Junior Telecom Officer Recruitment Rules, 1996, 15% quota is allotted to the departmental candidates for promotion through competitive examination and hence, he prays to consider the case of the petitioners for promotion.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The respondents are bound by the Junior Telecom Officer Recruitment Rules, 1996. These rules provide for promotion of departmental candidates through a limited departmental competitive examination at the ratio of 15%. Therefore, the respondents are bound by the rules governing promotions to be effected to the post of Junior Telecom Officer.

Without going into the merits of the case, I feel it appropriate to dispose of the writ petition directing the respondents to consider the cases of the petitioners for promotion to the post of Junior Telecom Officers under 15% quota in accordance with the rules within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of at the stage of admission. No costs.

18.01.2005

usd

To

1 The Secretary, Ministry of Telecommunications, Door Sanchar Bhavan, Union of India, New Delhi.
2 The Chairman and Managing Director,

Bharat Sanchar Nigam Ltd., Sanchar Bhavan, New Delhi.

3. The Chief General Manager, BSNL Door Sanchar Bhavan, Abids,

Hyderabad.

4. Two CD copies.